

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA :
:
v. : 1:23CR293-1
:
MALLICK RAYSHAWN BOOE :
:

MOTION BY THE UNITED STATES OF AMERICA
FOR DETENTION HEARING

NOW COMES the United States of America and hereby moves for a detention hearing pursuant to 18 U.S.C. § 3142(f) to determine whether any condition or combination of conditions will reasonably assure the appearance of defendant as required and the safety of other persons and of the community.

1. Eligibility of Case. This case involves a:

- crime of violence [18 U.S.C. § 3142(f)(1)(a)]
- maximum sentence life imprisonment or death [18 U.S.C. § 3142(f)(1)(B)]
- controlled substance offense punishable by ten years or more in prison [18 U.S.C. § 3142(f)(1)(C)]
- felony, with two prior convictions in above categories [18 U.S.C. § 3142(f)(1)(D)]
- minor victim, or the possession or use of a firearm or destructive device, or other dangerous weapon, or a failure to register under 18 U.S.C. § 2250 [18 U.S.C. § 3142(f)(1)(E)]
- serious risk defendant will flee [18 U.S.C. § 3142(f)(2)(A)]

serious risk of obstruction of justice [18 U.S.C. § 3142(f)(2)(B)]

2. Reason for Detention. The court should detain defendant because no conditions of release will reasonably assure (check one or both):

- the Defendant's appearance as required
- the safety of any other person and the community

3. Rebuttable Presumption. The United States of America does not invoke the rebuttable presumption against defendant pursuant to 18 U.S.C. § 3142(e). The presumption applies because:

- there is probable cause to believe defendant has committed a controlled substance offense punishable by ten years or more in prison, or an offense under 18 U.S.C. § 924(c), 956(a), or 2332b.
- the Defendant has a prior conviction for an "eligible" offense committed while on pretrial bond. Eligible offenses are the first five categories listed under Paragraph 1 of this motion.
- there is probable cause to believe that the Defendant committed an offense involving a minor as a victim pursuant to 18 U.S.C. § (1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1)-(3), 2252A(1)-(4), 2260, 2421-23, or 2425).

4. Time for Detention Hearing. The United States of America requests that the court conduct the detention hearing:

- at first appearance
- after continuance of 3 days (not more than 3).

5. Temporary Detention. The United States of America moves the Court to detain the defendant during any continuance and pending completion of the detention hearing.

6. Other Matters.

WHEREFORE, the United States respectfully requests that the Court hold a detention hearing in the above-captioned case and that it continue the detention hearing for a reasonable period of time from the date of the defendant's first appearance before a judicial officer to allow the United States to prepare.

This, the 5th day of September , 2023.

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